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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/738,013	12/14/2000	Herbert D. Jellinek	FUSN1-01304US0	1471
28554 7590 10/15/2007 VIERRA MAGEN MARCUS & DENIRO LLP 575 MARKET STREET SUITE 2500 SAN FRANCISCO, CA 94105			EXAMINER POLLACK, MELVIN H	
			ART UNIT 2145	PAPER NUMBER
			MAIL DATE 10/15/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/738,013

Applicant(s)

JELLINEK, HERBERT D.

Examiner

Melvin H. Pollack

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 10-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 10-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☒ Other: see attached office action.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08 August 2007 has been entered.

Response to Arguments

2. Applicant's arguments filed 08 August 2007 have been fully considered but they are not persuasive. An analysis of the arguments is provided below.

3. In response to applicant's argument that Chaudhri is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, it is important to remember that content distribution and publishing, in the web and networking arts, does include in scope posting web pages for later download. Mantha is about downloading web pages from a server to a client. Chaudhri is about downloading web pages from a server to a client. Chaudhri teaches a proxy to speed up the page download process. Since the instant application's purpose is to "process requests for delivery of electronic content," i.e. the process of downloading web pages, both pieces of art are analogous.

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4. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, there is motivation to combine Mantha and Chaudhri. As shown above, both pieces of art are analogous, with Chaudhri speeding up the Mantha process (Para. 3). "The present invention involves a number of unique methods and/or systems that can be used together or independently to provide improved acceleration and/or content distribution of computer formatted content and/or related services. In one aspect, the present invention addresses the problem of how to deliver content more quickly and effectively, given that there are different CDN providers with different cache systems, different methods for translating or redirecting addresses (such as URLs) to indicate cached content, different requirements for establishing acceleration policies, etc. For a particular network access, a best-existing CDN may not be part of a particular system to which a publisher subscribes (Para. 9)." As such, there is sufficient motivation to combine.

5. In response to applicant's argument that Chaudhri cannot be combined with Mantha, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined

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teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

6. Applicant further alleges that Chaudhri does not expressly disclose wherein the client is on a different network from the server. As drawn in the claims, this would be where the server is on a local network, while the client is on a remote network, i.e. a different local network.

Applicant fudges the issue by claiming that the server and client are both on the internet, without noting that the internet is by definition composed of multiple local and remote networks (LANs and WANs). More particularly, the applicant fails to define either the local or remote network as not being on the Internet, i.e. the client is a cell phone.

7. In Chaudhri's case, the Internet connects the server with a proxy, Infrastructure 5, and with a local CDN, #30. This creates a LAN-WAN combination, wherein a proxy receives from a local browser a request to a remote server. Compare Chaudhri, Figs. 1 and 3, with the instant application drawings, Figs. 1 and 4.

8. Therefore, the rejection is maintained for the reasons above.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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10. Claims 1-6, 10-20, 22-33, 35-42, and 44-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mantha et al. (6,163,779) in view of Chaudhri et al. (US 2002/0116444).

11. For claim 1, Mantha teaches a method (see abstract) for processing requests for delivery of electronic content (col. 1, line 1 – col. 3, line 5), comprising the computer-implemented steps (col. 4, lines 10-30; col. 12, lines 55-65) of:

- a. Receiving at a server (Fig. 3, #225 and #227), a request for delivery (Fig. 4, #30) to a destination client (Fig. 3, #220 and #223) that is not on the local network (Fig. 1, #14), of electronic content (Fig. 1, #22) that is associated with the local network (col. 4, lines 10-30), wherein the electronic content includes one or more links that are only resolvable within said local network (Fig. 14, #115; “A HREF=”ceramics.html”);
- b. Retrieving the electronic content (col. 8, lines 1-30);
- c. Generating updated content by modifying the one ore more links associated with the electronic content to include information identifying said server (col. 11, lines 55-65; Fig 4, #117; “A HREF = “http://www.artscape.com/ceramics.html”); and
- d. Delivering said updated content to said destination client (Fig. 4, #38; Fig. 6, #50).

12. Mantha does not expressly disclose receiving a server on a local network, a request for delivery to a destination client that is not on the local network, of electronic content that is associated with the local network, and retrieving the electronic content from within the local network. An analysis of the structure and components of Mantha, and the separation thereof, has been shown above. Chaudhri teaches a method (abstract) of saving content files, and delivering them (Paras. 1-28). Specifically, Chaudhri teaches URL modification (Paras. 51, 70-96) within a

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proxy (Fig. 3, #5) that delivers content from a server (Fig. 3, #40) to a client (Fig. 3, #50; Para. 113) wherein the client is on a different network from the server (Figs. 3, 5, and 6). At the time the invention was made, one of ordinary skill in the art would have used the Chaudhri structure in Mantha in order to provide improved content distribution and publisher rules handling (Paras. 9-10).

13. For claims 2, 22, 35, Mantha teaches a method (see abstract) for providing information from a network (col. 1, line 1 – col. 3, line 5) including a network device (Fig. 1), said method comprising the steps of:

- a. Receiving a request for a first electronic content (Fig. 1, #225);
- b. Retrieving said first electronic content from said network (col. 8, lines 1-30);
- c. Identifying a link within said first electronic content (Fig. 4, #117);
- d. Wrapping said link to obtain a wrapped version of said link (Fig. 12, #92) that identifies a resolvable address on the network (col. 11, lines 55-65; Fig 4, #117; “A HREF = “http://www.artscape.com/ceramics.html”); and
- e. Delivering a modified version of said first electronic content, wherein said modified version of said first electronic content includes said wrapped version of said link (col. 10, lines 60-65).

14. Mantha does not expressly disclose receiving a server on a local network, a request for delivery to a destination client that is not on the local network, of electronic content that is associated with the local network, and retrieving the electronic content from within the local network. An analysis of the structure and components of Mantha, and the separation thereof, has been shown above. Chaudhri teaches a method (abstract) of saving content files, and delivering

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them (Paras. 1-28). Specifically, Chaudhri teaches URL modification (Paras. 51, 70-96) within a proxy (Fig. 3, #5) that delivers content from a server (Fig. 3, #40) to a client (Fig. 3, #50; Para. 113) wherein the client is on a different network from the server (Figs. 3, 5, and 6). At the time the invention was made, one of ordinary skill in the art would have used the Chaudhri structure in Mantha in order to provide improved content distribution and publisher rules handling (Paras. 9-10).

15. For claims 3, 23, Mantha teaches that the first electronic content is an electronic document (Fig. 9, #61; Fig. 14, #115) and said modified version of said first electronic content is a modified version of said electronic document (Fig. 9, #70; Fig. 14, #117).

16. For claims 4, 24, Mantha teaches that said link is a URL and said modified version of said link is a modified version of said URL (col. 1, lines 20-40).

17. For claims 5, 25, Mantha teaches that said link includes an external address portion identifying said network device (Fig. 15, "www.artscape.com"), and an internal address portion identifying a second electronic content within said network (Fig. 15, "/ceramics.html").

18. For claims 6, 26, 36, Mantha teaches that said external address portion can be resolved outside said network, and said internal address portion cannot be resolved outside said network and can be resolved in said network (col. 12, lines 8-35).

19. For claims 10, 12, 28, 38, Mantha teaches that wrapping includes inserting a reference to said network device in said modified link (Fig. 14, #117).

20. For claims 11, 13, 29, Mantha teaches that said link does not include a reference to said network device (Fig. 14, #115).

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21. For claims 14, 30, 39, Mantha teaches that said link includes an address for a third electronic content in said network and said modified version of said link includes an address for said third electronic content in said network (Fig. 14; "<A HREF>" tags).

22. For claims 15, 31, 40, Mantha teaches that the method includes identifying additional links within said first electronic content; and wrapping said additional links to obtain wrapped versions of said additional links (Fig. 12, #85).

23. For claim 16, Mantha teaches determining said additional links cannot be resolved outside of said network (Fig. 12).

24. For claims 17, 32, 41, Mantha teaches that said modified version of said first electronic content contains said wrapped versions of said additional links (Fig. 16).

25. For claim 18, Mantha teaches that said request originates outside of said network (col. 4, lines 10-30).

26. For claim 19, Mantha teaches that said request originates inside of said network (col. 4, lines 10-30).

27. For claims 20, 33, 42, Mantha teaches that verifying that said address is fully qualified (col. 11, lines 50-65).

28. For claims 27, 37, Mantha teaches determining said link cannot be resolved outside of said network, wherein wrapping is only performed if it is determined that link should be wrapped (Figs. 11 and 12).

29. For claims 44 and 45, Mantha teaches the added limitation of determining whether a link should be resolved (Fig. 12, #87-89).

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30. For claim 46, Mantha teaches the added limitation of multiple links (Fig. 12, #87) over multiple pages (Fig. 13, #93).

31. Claims 21, 34, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mantha as applied to claims 2, 22, and 35 above, and further in view of Rodkin et al. (6,581,065).

32. For claims 21, 34, 43, Mantha does not expressly disclose inserting a second link into said modified version of said first electronic content, wherein said second link addresses a fourth electronic content not addressed by any link in said first electronic content. Rodkin teaches a method (see abstract) for modifying text files in a client server network (col. 1, lines 10-22) in which hyperlinks are added to the electronic document based on text data strings (col. 3, line 65 – col. 4, line 30). At the time the invention was made, one of ordinary skill in the art would have used the Rodkin hyperlink method to modify electronic content in order to simplify link updating (col. 3, lines 15-60).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melvin H. Pollack whose telephone number is (571) 272-3887. The examiner can normally be reached on 8:00-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Melvin H Pollack
Examiner
Art Unit 2145

MHP
12 October 2007

